

PTO/SB/25 (09-04)

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Docket Number (Optional)

11.920030031US2

In re Application of: TROSS et al.

Application No.: 10/747,732

Filed: December 29, 2003

For: Appliance for Asynchronous Data Storage Mirroring

The owner*, International Business Machines, Armonk, NY, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Applications Number 10/673,529 and Number 10/673,733, both filed on September 29, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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Stephen C. Kaufman Signature March 13, 2006 Date

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